

CHAPTER 9

BUSINESS AND TRADES

ARTICLE I. PRIVILEGE LICENSES

Section 9-1 Definitions

Wherever in this Article the words hereinafter defined or construed in this Section are used, they shall, unless the context required otherwise, be deemed to have the following meaning:

1. Agent: The person having the agency for the manufacturer, producer or distributor.
2. Business: Any business, trade, occupation, profession, avocation or calling of any kind, subject, by the provision of this Article, to a license tax.
3. Engaged in the business: Engaged in the business as owner or operator.
4. Fiscal Year: The period beginning with the 1st day of July and ending with the 30th day of June next following.
5. Person: Any person, firm, partnership, company or corporation.
6. Quarter: Any three (3) consecutive months

Section 9-2 License Tax upon Certain Trades and Business Operations

In addition to the tax on property and polls, as otherwise provided for, and under the power and authority conferred in the laws of North Carolina, there shall be levied and collected annually, or oftener, where provided for, a privilege license tax on trades, professions, agencies, business operations, exhibitions, circuses and all subjects authorized to be licensed as set out in the following sections and schedule. All licenses shall be a personal privilege and shall not be prevent the Board of Commissioners from imposing from time to time, as they may see fit, such license taxes as are not specifically herein defined, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provision of existing ordinances or those thereafter enacted.

Section 9-3 Unlawful to Conduct Business Without License

It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the Town for which there is required a license, without first having paid the license tax and obtained the license. For the purpose of this Section the opening of a place of business, of offering to sell, followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in to carrying on such business; and each day that such person, firm, or corporation shall engage in or carry on such business as before said, shall be construed to be a separate offense.

Section 9-4 License Taxes for 12 Months

All taxes provided for and fixed in the following sections and schedule shall be for twelve (12) months, unless otherwise specified, and shall remain so for each year to come until changed by the Board of Commissioner. All licenses provided for shall date from the 1st day of July of each and every year and shall expire on the 30th day of June of each year and shall be payable in advance to the Town Clerk; provided, that where any business is begun after February 1st, then the licensee shall be required to pay one-half the tax prescribed, except where otherwise specifically provided for.

Section 9-5 License Required for Every Separate Business

The payment of any particular tax imposed by the this Article shall not relieve the person paying the same from the payment of any other tax imposed by this Article for any other business he may carryon, unless so provided by the section imposing such tax; it being the intent of this Article that license taxes prescribed by various sections or subsections of this Article applicable to any business shall be cumulative except where otherwise specifically provided.

Section 9-6 License Required for Every Place of Business

A license issued for the privilege of conducting a business is only valid for the business conducted at a place and by the licensee named therein. Every person doing business in more than one factory, mill, warehouse, secure a separate license for each such place of business, unless such places of businesses are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. If the business is moved or if the license sells to another, then a new license is necessary, unless a special permit to continue business under the original license is obtained from the Board of Commissioners.

Section 9-7 License Must be Displayed at Place of Business

Every license must be kept prominently displayed at the place of business of the licensee named in the license, must be kept the same wherever such business is being operated and where it can be inspected at any time by the proper municipal official.

Section 9-8 No Abatement of License Tax

No license tax shall be abated nor shall any refund of any part thereof be made, in any case where the licensee discontinues his business before the end of the period for which such license was issued.

Section 9-9 Manner of Obtaining Privilege License

1. Every person, firm, or corporation desiring to obtain a Town license for the privilege of engaging in any business, trade, employment, profession, or of doing any act for which a Town license is required, shall unless otherwise provided by law, make application therefore in writing to the Town Clerk in which shall be stated the definite place and address where the business, trade, employment, or profession is to be exercised; the name and address of the applicant, whether the applicant is an individual, firm, or corporation; the nature of the business, trade, employment, or profession, number of years applicant has prosecuted such business, trade, employment, or profession in the Town whether applicant has current state and county privilege license where required, and such other information as may be required by this Chapter. The application shall be accompanied by the license tax required by this Article as well as such bonds as may be required by this Article or by other ordinances of the Town.
2. Ordinances, the Clerk, if satisfied of its correctness, shall issue a Town license to the applicant to engage in the business, trade, employment, or profession in the name of and at the place set out in the application, except that where an appropriate ordinance requires a hearing and decision by the Board of Commissioners, the Clerk shall not issue said license until the Board of Commissioners has approved the issuance thereof. No license shall be issued by the Clerk until said officer be satisfied that the applicant has a current State and County license where required. No license issued by the Clerk shall be valid or have any legal effect unless and until the tax prescribed by this Article has been paid, and the fact of such shall appear on the face of the license.

Section 9-10 Duties of the Town Clerk

1. Except where otherwise provided, the Town Clerk shall be the duly authorized agent of the Town for the issuing of all Town licenses and the collection of all license taxes, and it shall be the duty of said officer and the duties of Town employees under his supervision to make diligent inquiry to ascertain whether all persons, firms, or corporations in the Town who are taxable under the provisions of this Article have applied for the Town license and paid the tax thereon levied.
2. The Clerk shall continually keep in his possession a sufficient supply of blank Town license certificates.
3. Neither the Clerk nor any of the Town employees under his supervision shall issue any duplicate license unless expressly authorized to do so by a provision of this Article, and unless the original license is lost or has become so mutilated as to be illegible, and in such cases the Clerk is authorized to issue a duplicate certificate for which the tax is paid, and shall stamp upon its face "Duplicate".
4. When the Clerk shall, after investigation, determine that a person, firm, or corporation who is taxable under this Article has failed, neglected, or refused to pay the tax and procure a license as provided in this Article, said officer shall promptly see that the Chief of Police is furnished with a list of all such unpaid taxes, and it shall be the duty of the Chief of Police to cause warrants to be issued for all delinquents and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this Article.

Section 9-11 Criminal Penalties

1. Every person who shall violate any provision of this Article, or carry on any business, trade, or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be guilty of a misdemeanor, and each day said business shall be carried on shall constitute a separate and distinct offense.
2. Any person who shall willfully may any false statement in an application for license under any section of this Article shall be guilty of a misdemeanor.
3. The imposition of the criminal penalties herein prescribed shall not relieve the Violator of the civil penalties prescribed in Section 9-12.

Section 9-12 Civil Penalties

If any person, firm, or corporation shall fail to pay any license tax when due as required by this Article, two per cent (2%) per month of the amount of such license shall be added to the tax required, and no license tax, plus the two percent (2%) per month thereof, has been paid. The addition of the two per cent (2%) per month on the amount of said license tax shall not exempt the delinquent from the criminal penalties prescribed for violation of this Article. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 9-13 Annual Schedule of License Taxes

A schedule of privilege license taxes for each fiscal year shall be duly enacted by the Board of Commissioners prior to the beginning of the fiscal year. An official copy of such Schedule shall be kept in the office of the Town Clerk at all times. The Board of Commissioners shall have power to amend such Schedule at any time during any fiscal year; provided, that pursuant to G.S. 160 - 56 the Board may readopt for any fiscal year the prior year's Schedule by reference, without reading the same in detail, and by the reading of any amendments of additions thereto.

ARTICLE II. HOUSE TRAILER REGULATIONS

Section 9-20 Definitions

For the purpose of this Article, the following words shall have the meanings herein ascribed:

1. A trailer camp is herein defined as any tract or parcel of land maintained, offered or used for the parking or camping of house trailers, house cars, tents, huts, or similar units of habitation.
2. A house trailer is herein defined as any house car, house trailer, trailer home, tents, huts, which may be used from semi - permanent or temporary living quarters.

Section 9-21 Health Officer to Inspect

The Health Officer, or his authorized representative, shall make periodic inspection of all trailer camps within his jurisdiction.

Section 9-22 Location and Space

1. No trailer camp shall be so located that the drainage of the camp area will endanger any water supply. All camps shall be well drained and located in areas free for ponds, swamps, and similar places in which mosquitoes may breed.
2. Each house trailer shall not be nearer than 10 feet in any direction to any other house trailer -- all trailers to be lined up in such a manner as to be convenient and accessible to the sanitary facilities provided, but in no instance more than 200 feet from said sanitary facilities.
3. No trailer shall park outside an approved trailer camp for more than twenty-four (24) hours, but wherever a single trailer is parked on private property and becomes part of another dwelling unit, sanitary facilities shall be provided comparable to those provided in approved trailer camp but not over 12 persons to use a single commode, and all other provisions of these regulation shall be complied with; and such trailers shall be subject to health department supervision, though not required to move to trailer camps, so long as they comply. The purpose of this is to facilitate matters of sewerage disposal, water supply and general health supervision. This Article shall not apply to any house trailers, which are unoccupied and not used for housing, living or shelter.

Section 9-23 Sewerage Disposal Facilities

Sewerage disposal facilities shall not be less than a N.C. Standard Pit Privy for each four trailers, built and maintained as required by the North Carolina State Board of Health, or other means of sewerage disposal as approved by the Health Officer. It is further ordained that such trailer shall be provided with satisfactory means of sewerage disposal, regardless of the distance they may be located from other places of human abode.

Section 9-24 Disposal of Waste

1. Water and fly tight containers shall be provided for the collection of garbage, paper, trash, and other such waste materials, containers to be sufficient in size and number conveniently located to the trailer to adequately take care of such waste in a sanitary manner as approved by the health officer. It shall be unlawful for the occupants of any trailer to throw garbage or trash of any kind upon the ground used as a trailer camp. It shall be the duty of the owner, or other responsible persons in charge of said camp to see that all garbage and other rubbish is disposed of daily in a sanitary manner approved by the health inspector.
2. In no instance may waste from refrigerators and sinks be allowed to be discharged on the ground. The disposal of such waste in a sanitary manner shall consist of not less than metal containers for the collection of such waste, the same to be disposed of daily by the owner, or other responsible person in charge of the trailer camp, or by other methods approved by the health officer.

Section 9-25 Water Supply

An adequate and accessible supply of safe drinking water shall be provided on the premises of the trailer camp by the owner or manager thereof.

Section 9-26 Supervision

1. Every trailer camp shall have at least one competent attendant or caretaker whose duty it shall be to maintain the camp, its facilities, and equipment in a clean, orderly and sanitary condition.
2. The owner, supervisor, or other responsible person in charge of a trailer camp, or a proposed trailer camp, shall before operation, or the opening of such a camp for service to the public, apply to the Health Officer for a Trailer Camp Permit, which permit shall be issued for the remainder of the current year, and will be issued annually for the calendar years thereafter by the Health Officer, or his authorized representative when and if the sanitation of the trailer camp is found to comply with these Rules and Regulations. The aforesaid permit to be revoked at any time by the Health Officer if the sanitation of the camp fails to conform to these Rules and Regulations.

Section 9-27 Communicable Diseases

It shall be the duty of all house trailer camp owner or managers to report immediately to the local health officer all known or suspected cases of communicable diseases.

Section 9-28 Penalty

Any person, firm, or corporation violating any of the provisions of this ordinance, rules and regulations shall be subject to penalty as set forth in the Chapter of this Code of Ordinances relating to penalties.

Section 9-29 Additional Regulations

1. For the purposes of this Section, the following terms shall have the meanings herein ascribed:
 - a. House Trailer. Any trailer used as a home, or a living quarters.
 - b. Lot of Land. Any space used or rented or owned, for the purpose of parking a house trailer.
2. It shall be unlawful for any person, firm, or corporation to park any house trailer in the corporate limits of the Town of Hertford, N.C., unless such trailer is parked at least six (6) feet from any other building and unless such trailer is connected with the Town Water and Sewer System.
3. Each day that this Section is violated shall be a separate offense.